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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

2005 JUN 23 Fri 1:04

MAERTENS, et al.

Atty. Ref.: 2551-106  
(was 2752-43)

Serial No. 09/851,138

Group: 1648

Filed: May 9, 2001

Examiner: Li

For: SEQUENCES OF HEPATITIS C VIRUS GENOTYPES AND  
THEIR USE AS PROPHYLACTIC, THERAPEUTIC AND  
DIAGNOSTIC AGENTS

\* \* \* \* \*

June 24, 2005

**Mail Stop 16**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REFUND REQUEST**

The Office is requested to refund the undersigned's Deposit Account for the \$360.00 (fee code 1203) debited to Deposit Account No. 14-1140 in the monthly statement of May 2005, copy attached. A further explanation of the charge is requested in the event the Patent Office continues to believe the charge was appropriately made.

The multiple dependent claim fee of \$360.00 is not believed to be required since the multiple dependent claim fee of \$270 (old fee) was paid on May 9, 2001. A copy of the divisional application Transmittal Letter filed May 9, 2001, indicating the noted payment is attached.

Accordingly, in view of the above and attached, the \$360.00 fee charged by the Patent Office to the undersigned's Deposit Account in the attached statement of May

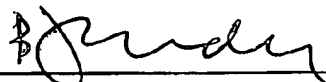
MAERTENS, et al.  
Serial No. 09/851,138

2005 is believed to be in error and a refund of the noted amount, or further explanation,  
is requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



B. J. Sadoff

Reg. No. 36,663

BJS:pp  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
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Deposit Account Statement

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Trademark Office**

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**Deposit Account Statement**

**Requested Statement Month:** May 2005  
**Deposit Account Number:** 141140  
**Name:** NIXON & VANDERHYE P.C.  
**Attention:** MICHELLE N. LESTER  
**Address:** 901 NORTH GLEBE ROAD, 11TH FLOOR  
**City:** ARLINGTON  
**State:** VA  
**Zip:** 22203-1808  
**Country:** UNITED STATES OF AMERICA

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/20 2	09851138	2752-43 <i>BJS</i>	1203	\$360.00	\$27,351.98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING APPLICATION UNDER RULE 1.53(b)

Pursuant to 37 CFR 1.53(b), please file ☒ continuation/☒ divisional  
of the pending prior PATENT APPLICATION of  
Inventor: Maertens et al  
Serial No. 08/836,075  
Filed: April 21, 1997

For: NEW SEQUENCES OF HEPATITIS C VIRUS GENOTYPES AND THEIR USE AS  
PROPHYLACTIC, THERAPEUTIC AND DIAGNOSTIC AGENTS

Assistant Commissioner for Patents  
Washington, DC 20231  
Sir:

Atty Dkt.: 2752-43  
C# M#  
Date: May 9, 2001  
Group: 1643  
Examiner: Zeman

COPY

This request for filing under Rule 53(b) is made by the following named inventor(s) (using the above-identified title):  
Inventor(s): Maertens et al

- ☒ Attached is a true copy of the prior application as originally filed including the specification, claims, Oath/Declaration and drawings (if any) and abstract (if any). No amendments (if any) referenced in the Oath or Declaration filed to complete the prior application introduced new matter.
- ☒ Priority is hereby claimed under 35 USC 119 based on the following foreign applications, the entire content of which is hereby incorporated by reference in this application:

<u>Application Number</u>	<u>Country</u>	<u>Day/Month/Year/Filed</u>
95870076.7	Europe	28 June 1995
94870166.9	Europe	21 October 1994
WO 96/13590	PCT	9 May 1996

☒ already filed in WO 96/13590 filed

- ☒ The prior application is assigned to Innogenetics N.V..
- ☒ Power of Attorney has been granted to B. J. Sadoff et al, Reg. No. 36.663 of Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201.
- ☒ Address all future communications to: Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201.
- ☒ Please amend the specification by inserting before the first line --This is a divisional of application Serial No. 08/836,075, filed April 21, 1997, now pending, the entire content of which is hereby incorporated by reference in this application.--
- ☒ The Examiner's attention is directed to the prior art cited in the parent application by applicant and/or Examiner for the reasons stated therein and return of an initialed copy of the 4 page PTO 1449 Forms, listing the same, are requested, pursuant to MPEP § 609.
- ☒ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:
- ☒ The entire disclosure of the prior application above-referenced is considered as being part of the disclosure of this new application and is hereby incorporated by reference therein.
- ☒ Also attached: ☒ Information Disclosure Statement ; ☐ Non-Publication Request; ☒ Other: Request with Sequence Listing; Change of Address Form; Exclusive Substitute Power of Attorney

FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED

Basic Filing Fee		\$	710.00
Total effective claims	18 - 20 (at least 20) = 0	x \$ 18.00	\$ 0.00
Independent claims	2 - 3 (at least 3) = 0	x \$ 80.00	\$ 0.00
If any proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)		\$	270.00
		<b>SUBTOTAL</b>	\$ 980.00
If "small entity," then enter half (1/2) of subtotal and subtract		-\$	( 0.00)
		<b>SECOND SUBTOTAL</b>	\$ 980.00
Assignment Recording Fee (\$40.00)		\$	0.00
		<b>TOTAL FEE ENCLOSED</b>	\$ 980.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:eaw

NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36.663

Signature: 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE UNDER RULE 11A  
EXPEDITED HANDLING PROCEDURES

In re Patent Application of

Atty. Dkt. 2551-105

CJ MB

MAERTENS, et al

TC/A.U.

1848

Serial No. 03/851,138

Examiner: U

Filed: May 9, 2001

Date: April 18, 2005

Title: SEQUENCES OF HEPATITIS C VIRUS GENOTYPES AND THEIR USE AS  
PROPHYLACTIC, THERAPEUTIC AND DIAGNOSTIC AGENTSMail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AMENDMENT

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ Correspondence Address Indication Form Attached.

Fees are attached as calculated below:

Total effective claims after amendment ☐ minus highest number  
previously paid for 20 (at least 20) ☐ 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment ☐ minus highest number  
previously paid for 3 (at least 3) ☐ 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add  
\$380.00 (1051)/\$180.00 (2051) \$

Portion is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)  
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)  
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)  
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 53 Information Disclosure Statement Filing Fee \$180.00 (1808) \$

Assignment Recording Fee \$40.00 (9021) \$

Other: \$

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or assessed to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

11 FC 3000 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
EJS:

NIXON & VANDERHYE P.C.  
By Atty. B. J. Sadoff, Reg. No. 38,883

Signature: 